



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, वीरवार, 27 जुलाई, 2006/5 श्रावण, 1928

हिमाचल प्रदेश सरकार

सहकारिता विभाग

अधिसूचनाएं

शिमला-2, 25 जुलाई, 2006

संख्या कूप० ए० (3)-1/99-भाग-1.—हिमाचल प्रदेश सहकारी सोसाइटी नियम, 1971 का प्रारूप, तारीख 7-6-2006 के राजपत्र (असाधारण) हिमाचल प्रदेश में अधिसूचना संख्या कूप० ए० (3)-1/99-भाग-1, तारीख 23-5-2006 द्वारा हिमाचल प्रदेश सहकारी सोसाइटी अधिनियम, 1968 (1969 का 3) की धारा 109 के अधीन यथोपेक्षित; उन व्यक्तियों से, जिनको उनसे प्रभावित होने की संभावना थी, आक्षेप(पों) या सुझाव(वों), आमन्त्रित करने के लिए प्रकाशित किया गया था ;

और विनिर्दिष्ट अवधि के भीतर किसी भी व्यक्ति से कोई भी आक्षेप(पों)/सुझाव(वों), प्राप्त नहीं हुआ है/हुए हैं;

अतः हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश सहकारी सोसाइटी अधिनियम, 1968 (1969 का 3) की धारा 109 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाते हैं; अर्थात् :-

1. संक्षिप्त नाम.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश कोआपरेटिव सोसाइटी (अमैंडमेंट) रूलज, 2006 है ।

(2) ये नियम राजपत्र में इनके प्रकाशन की तारीख से प्रवृत्त होंगे ।

2. नियम 2 का संशोधन.—दि हिमाचल प्रदेश कोआपरेटिव सोसाइटी रूलज, 1971 (इसमें इसके पश्चात् उक्त नियम निर्देशित) के नियम 2 में खण्ड (xxvii) के पश्चात् निम्नलिखित खण्ड अंतःस्थापित किया जाएगा, अर्थात् :-

“(xxvii) ‘Representative’ means a member of the managing of a society authorized by it to represent his/her Society in the deliberation of managing committee or general house of other society.”

3. नियम 3 का प्रतिस्थापन.—उक्त नियमों के नियम 3 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :-

“3. *Appointment of officers to assist the Registrar.*—(1) Subject to the provisions of sub-section (1) of section 3 of the Act, the State Government may appoint officers of the following categories to assist the Registrar, namely:—

- (a) Additional Registrar of Co-operative Societies;
- (b) Joint Registrar of Co-operative Societies;
- (c) Deputy Registrar of Co-operative Societies;
- (d) Assistant Registrar of Co-operative Societies;
- (e) Such other categories of officers as may be notified by the Government from time to time; and
- (f) The officers appointed to assist the Registrar shall within such areas as the State Government may specify, exercise such powers and perform such duties conferred and imposed on the Registrar by or under the Act and these rules as the State Government may, by special or general order, direct.

4. नियम 8 का संशोधन.—उक्त नियमों के नियम 8 में उप-नियम (1) में, खण्ड (ख) के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

“(b) the resolution is passed by not less than two-thirds of the members present at the general meeting at which quorum shall be present as per Rule 30;”

5. नियम 11 का संशोधन.—उक्त नियमों के नियम 11 में, उप-नियम (2) में, खण्ड (d) के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

“(d) leaves his residence in the area of operation of the society and the management of the society has informed him about the termination of his membership.”

6. नियम 17 का संशोधन.—उक्त नियमों के नियम 17 में उप-नियम (4) के परन्तुक में “30th June” अंकों और शब्द के स्थान पर “31st March” अंक और शब्द प्रतिस्थापित किए जाएंगे ।

7. नियम 20 का संशोधन.—उक्त नियमों के नियम 20 में, उप-नियम (5) के पश्चात् निम्नलिखित उप-नियम जोड़ा जाएगा, अर्थात् :—

“(6) the Secretary of the society shall inform the fact of nomination along with factual position of assets and liabilities of the deceased member.”

8. नियम 30 का संशोधन.—उक्त नियमों के नियम 30 में,—

(क) उप-नियम (1) के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

“(1) the quorum for the general meeting shall be one third of the total number of members subsisting as such on the date of notice of the meeting.”

(ख) उप-नियम (3) में खण्ड (a) के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

“(a) a quorum of one fifth of the total number of members shall be necessary at adjourned meeting and such adjourned meeting shall not be convened before lapse of ten days from previous meeting and fresh notice for the same shall be issued to all the members.”

9. नियम 32 का संशोधन.—उक्त नियमों के नियम 32 में :—

(क) उप-नियम (4) के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात्:—

“(4) The delegates shall hold office and attend all general meetings for five years or till fresh delegates are elected in their places whichever is earlier.”

(ख) उप-नियम (7) के पश्चात् निम्नलिखित उप-नियम जोड़ा जाएगा, अर्थात् :—

“(8) The delegates shall transact business as provided in section 31 of the Act read with rule 25 other than election of managing committee.”

10. नियम 34 का संशोधन.—उक्त नियमों के नियम 34 के खण्ड (a) के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

“(a) the manner of nomination, election and removal of delegates.”

11. नियम 38 का संशोधन.—उक्त नियमों के नियम 38 में :—

(क) उप-नियम (3) में, खण्ड (c) के स्थान पर निम्नलिखित परन्तुक प्रतिस्थापित किया जायेगा, अर्थात् :—

“Provided that if outgoing Managing Committee fails to initiate election process 90 days prior to completion of its tenure, the Registrar shall appoint Administrator under section 37 of the Act and the Administrator so appointed shall conduct election of managing committee within six months of his appointment.”

(ख) उप-नियम (4) के स्थान पर निम्नलिखित परन्तुक प्रतिस्थापित किया जायेगा, अर्थात्:—

“(4) the committee shall, as soon as may be possible, elect from among its elected members a President, Vice President and such other officers as are specified in the bye-laws and only elected members of the Committee shall participate in the election or removal process of President/Vice- President:

Provided that only elected members of the committee shall represent the society in the committee or general meeting of other Society.”

12. नियम 41 का संशोधन.—उक्त नियमों के नियम 41 में,—

(क) उप-नियम (1) में खण्ड (d) के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात् :—

“(d) a paid employee of the society or of any other Co-operative Society :

Provided that this condition shall not apply for election of a member for the managing committee of the Society of the employees of a Co-operative Society or its representative in other society or”

(ख) खण्ड (ii) का लोप किया जायेगा ।

(ग) उप-नियम (2) में, खण्ड (d) के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात् :—

“(d) becomes a paid employee of the society or any other society:

Provided that this condition shall not apply for election of a member for the managing committee of the society of the employees of a Co-operative Society or”

(घ) उप-नियम (2) में, खण्ड (h) के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा , अर्थात् :—

“(i) is a representative of the society which becomes defaulter.”

13. नियम 50 का संशोधन.—उक्त नियमों के नियम 50 में, खण्ड (n) के पश्चात् निम्नलिखित जोड़ा जाएगा, अर्थात् :—

“(o) to take steps to initiate election process 90 days before the expiry of term of the present committee.”

14. नियम 56 का संशोधन.—उक्त नियमों के नियम 56 में, उप-नियम (5) के पश्चात् निम्नलिखित परन्तुक जोड़ा जाएगा , अर्थात् :—

“Provided that an officer/servant of the society shall be deemed to have been placed under suspension by an order of the competent Authority or the Registrar in the following circumstances:—

(a) If he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;—

- (b) If in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours;

If a servant of the society who has been detained for a period exceeding forty-eight hours is later on released on bail, such release will not affect the deemed suspension which will continue to be in force until revoked by the competent authority or the Registrar."

15. नियम 69 का संशोधन.—उक्त नियमों के नियम 69 में,—

(क) उप-नियम (1) के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, अर्थात् :—

“(1) Every society shall contribute to the ‘Co-operative Education Fund’, as provided in section 54 of the Act, to be administered by the Himachal Pradesh Co-operative Development Federation (hereinafter mentioned as State Co-operative Development Federation) and in its absence by any other agency duly authorized by the Government in this behalf, at the rate of rupees hundred or three percent of net profit of the year whichever is more but subject to a maximum of Rs. Fifteen lacs.”

(ख) उप-नियम (2) में “Union” के स्थान पर जहां कहीं भी यह आए, “Development Federation” शब्द प्रतिस्थापित किया जाएगा ।

16. नियम 79 का संशोधन—उक्त नियमों के नियम 79 में, “Five” शब्द के स्थान पर “Fifteen” प्रतिस्थापित किया जाएगा ।

17. नियम 89 का संशोधन.—उक्त नियमों के नियम 89 में, उप-नियम (1) में खण्ड (i) के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

“(i) Additional/Joint/Deputy
Registrar, Co-operative Societies.”

Apex Societies

18. नियम 119 का संशोधन.—उक्त नियमों के नियम 119 में, उप-नियम (1) में “Clause (c) of sub-section (1) शब्द, कोष्ठ, अक्षर, चिन्ह और अंक” का लोप किया जाएगा ।

19. नियम 132 का संशोधन.—उक्त नियमों के नियम 132 में, उप-नियम (2) में,—

(क) खण्ड (a) में “Registrar” शब्द के पश्चात् परन्तु “Joint Registrar” शब्दों से पहले “or Additional Registrar” शब्द अन्तस्थापित किए जाएंगे ।

खण्ड (b) में “Registrar” शब्द के पश्चात् परन्तु “Joint Registrar” शब्दों से पहले “or Additional Registrar” शब्द अन्तःस्थापित किए जाएंगे ।

परिशिष्ट में संशोधन.—उक्त नियमों से संलग्न परिशिष्ट ‘A’ में,—

समिति के निर्वाचन के नियमों के नियम 3 के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

- “(1) In the case of every Primary Society, the Registration Officer shall intimate every member of the society through authorized person or through registered notice of his being eligible or ineligible to vote as per Rules/bye-laws. The member shall be at liberty to inspect the tentative voter list maintained for the purpose of registration of voters. In addition, notice shall be pasted at conspicuous places such as Head Office and Branch Office(s) of the society, office of the Registrar, Inspector Co-operative Societies concerned, Panchayat Ghar, Mahila Mandal Ghar or village temple etc. Such notice may be published in two dailies (one Hindi & one English) and such notice/intimation shall be given one month prior to the date fixed for finalization of voter list.
- (2) In the case of every Secondary/Federal society, the Registration Officer shall intimate all members the last date by which name of persons authorized to vote on behalf of the member societies are to be intimated to the Registration Officer concerned. Such intimation shall be given one month prior to the date fixed for finalization of voter’s list. In addition, such notice may be published in two dailies (one Hindi and one English). In case a society does not send the name of its nominee before the said date as indicated above, the said society shall have no right to vote in the election.
- (3) Following procedure shall be carried out in all kind of Societies after registration of voters:—
 - (a) A list of voters indicating the name of the member society, authorized nominee and other voters shall be published at the office of the society by the Registration Officer and objection thereon shall be heard by him.
 - (b) Three clear days shall be given for hearing objections. The decision of the Registration Officer thereto shall be final.

(c) The official list shall thereafter be published at the office of the society not later than one month prior to the date of poll by the Registration Officer."

(II) समिति के निर्वाचन के नियमों के नियम 4 में, उप-नियम (2) के पश्चात् निम्नलिखित परंतुक जोड़ा जाएगा, अर्थात् :—

"Provided that the zones shall be constituted in such a way that members from contiguous areas are included in a particular zone and where such contiguity is not discernible, the zones shall be constituted as per Sr. No. of the members in the membership register."

(III) समिति के निर्वाचन के नियमों के नियम 4 के उप-नियम (8) का लोप किया जाएगा।

(IV) समिति के निर्वाचन के नियमों के नियम 7 के पश्चात् निम्नलिखित जोड़ा जाएगा, अर्थात् :—

"8. *Exemption.*—The Registrar may by general or special order grant exemption from the provision of the rule 3 and 4 to any co-operative society or any class of co-operative societies."

आदेश द्वारा,

हस्ताक्षरित /—

प्रधान सचिव ।

[Authoritative English text of this Department notification No. Co-op.A(3)-1/99-Vol.I dated 25-7-2006 as required under clause (3) of Article 348 of the Constitution of India].

CO-OPERATION DEPARTMENT

NOTIFICATION

Shimla-2, the 25th July, 2006

No. Co-op. A(3)-1/99-Vol-I.—Whereas, the draft Himachal Pradesh Co-operative Societies Rules, 1971, were published in the Rajpatra, Himachal Pradesh (extra ordinary) on 7-6-2006 vide Government notification No. Co-op. A (3)-1/99-Vol-I dated 25-5-2006 for inviting objections and suggestions from the persons likely to be affected thereby as required under section 109 of the H.P. Co-operative Societies Act, 1968 (Act No.3 of 1969);

And whereas no objections/suggestions have been received from any person within the specified period;

Now, therefore, in exercise of the powers conferred by section 109 of the Himachal Pradesh Co-operative Societies Act, 1968 (Act No. 3 of 1969), the Governor of Himachal Pradesh is pleased to make the following Rules, namely:—

1. *Short title.*—(1) These rules may be called the Himachal Pradesh Co-operative Societies (Amendment) Rules, 2006.

(2) These rules shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.

2. *Amendment of rule 2.*—In rule 2 of the Himachal Pradesh Co-operative Societies Rules, 1971 (hereinafter referred to as the said rules), after clause (xxvii), the following clause may be added, namely:—

“(xxviii) 'Representative' means a member of the managing committee of a society authorized by it to represent his/her Society in the deliberation of managing committee or general house of other society.”

3. *Substitution of rule 3.*—For rule 3 of the said rules, the following may be substituted, namely:—

“3. *Appointment of officers to assist the Registrar.*—(1) Subject to the provisions of sub-section (1) of section 3 of the Act, the State Government may appoint officers of the following categories to assist the Registrar, namely:—

- (a) Additional Registrar of Co-operative Societies;
- (b) Joint Registrar of Co-operative Societies;
- (c) Deputy Registrar of Co-operative Societies;
- (d) Assistant Registrar of Co-operative Societies;
- (e) Such other categories of officers as may be notified by the Government from time to time; and
- (f) The officers appointed to assist the Registrar shall within such areas as the State Government may specify, exercise such powers and perform such duties conferred and imposed on the Registrar by or under the Act and these rules as the State Government may, by special or general order, direct.”

4. *Amendment of rule 8.*—In rule 8 of the said rules, in sub-rule (1), for clause (b), the following shall be substituted, namely:—

“(b) the resolution is passed by not less than two-thirds of the members present at the general meeting at which quorum shall be present as per Rule 30;”

5. *Amendment of rule 11.*—In rule 11 of the said rules, in sub-rule (2), for clause (d), the following shall be substituted, namely:—

“(d) leaves his residence in the area of operation of the society and the management of the society has informed him about the termination of his membership;”

6. *Amendment of rule 17.*—In rule 17 of the said rules, in the proviso to sub-rule (4), for the figure and word “30th June” the figure and word “31st March” shall be substituted.

7. *Amendment of rule 20.*—In rule 20 of the said rules, after sub-rule (5), the following sub-rule shall be added, namely:—

“(6) the Secretary of the society shall inform the fact of nomination along with factual position of assets and liabilities of the deceased member.”

8. *Amendment of rule 30.*—In rule 30 of the said rules,—

(a) for sub-rule (1), the following shall be substituted, namely:—

“(1) The quorum for the general meeting shall be one third of the total number of members subsisting as such on the date of notice of the meeting.”

(b) in sub-rule (3), for clause (a), the following shall be substituted, namely:—

“(a) a quorum of one fifth of the total number of members shall be necessary at adjourned meeting and such adjourned meeting shall not be convened before lapse of ten days from previous meeting and fresh notice for the same shall be issued to all the members.”

9. *Amendment of rule 32.*—In rule 32 of the said rules,—

(a) for sub-rule (4), the following shall be substituted, namely:—

“(4) The delegates shall hold office and attend all general meeting for five years or till fresh delegates are elected in their places whichever is earlier.”

(b) after sub-rule (7), the following sub-rule shall be added, namely:—

“(8) The delegates shall transact business as provided in section 31 of the Act read with rule 25 other than election of managing committee.”

10. *Amendment of rule 34.*—For clause (a) of rule 34 of the said rules, the following shall be substituted, namely:—

“(a) the manner of nomination, election and removal of delegates;”

✓ 11. *Amendment of rule 38.*—In rule 38 of the said rules,—

(a) in sub-rule (3), for clause (c), the following proviso shall be substituted, namely:—

“Provided that if outgoing Managing Committee fails to initiate election process 90 days prior to completion of its tenure, the Registrar shall appoint Administrator under section 37 of the Act and the Administrator so appointed shall conduct election of managing committee within six months of his appointment.”

(b) for sub-rule (4), the following shall be substituted, namely:—

“(4) the committee shall, as soon as may be possible, elect from among its elected members a President, Vice President and such other officers as are specified in the bye-laws and only elected members of the committee shall participate in the election or removal process of President/Vice-President :

✓ Provided that only elected members of the committee shall represent the society in the committee or general meeting of other Society.”

12. *Amendment of rule 41.*—In rule 41 of the said rules,—

(a) in sub-rule (1), for clause (d), the following shall be substituted, namely:—

“(d) a paid employee of the society or of any other Co-operative Society:

Provided that this condition shall not apply for election of a member for the managing committee of the Society of the employees of a Co-operative Society or its representative in other society or”

(b) clause (ii) shall be deleted.

(c) in sub-rule (2), for clause (d), the following shall be substituted, namely:—

“(d) becomes a paid employee of the society or any other society:

Provided that this condition shall not apply for election of a member for the managing committee of the society of the employees of a Co-operative Society or”

(d) in sub-rule (2), after clause (h) the following clause shall be added, namely:—

“(i) is a representative of the society which becomes defaulter;”

13. *Amendment of rule 50.*—In rule 50 of the said rules, after clause (n), the following shall be added, namely:—

“(o) to take steps to initiate election process 90 days before the expiry of term of the present committee.”

14. *Amendment of rule 56.*—In rule 56 of the said rules, after sub-rule (5) following proviso shall be added, namely:—

“Provided that an officer/servant of the society shall be deemed to have been placed under suspension by an order of the competent Authority or the Registrar in the following circumstances:—

- (a) If he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;
- (b) If in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours.

If a servant of the society who has been detained for a period exceeding forty-eight hours is later on released on bail, such release will not affect the deemed suspension which will continue to be in force until revoked by the competent authority or the Registrar.”

15. *Amendment of rule 69.*—In rule 69 of the said rules,—

(a) for sub-rule (1), the following shall be substituted, namely:—

“(1) Every society shall contribute to the ‘Co-operative Education Fund’, as provided in section 54 of the Act, to be administered by the Himachal Pradesh Co-operative Development Federation (hereinafter mentioned as State Co-operative Development Federation) and in its absence by any other agency duly authorized by the Government in this behalf, at the rate of rupees hundred or three percent of net profit of the year whichever is more but subject to a maximum of Rs. fifteen lacs.”

- (b) for sub-rule (2), the word "Union", wherever it occurs, the word "Development Federation" shall be substituted.

16. Amendment of rule 79.—In rule 79 of the said rules, for the word "five" the word "fifteen" shall be substituted.

17. Amendment of rule 89.—In rule 89 of the said rules, for sub-rule (1) in clause (i), the following shall be substituted, namely:—

- "(i) Additional/Joint/ Apex Societies.
Deputy Registrar,
Co-operative Societies

18. Amendment of rule 119.—In rule 119 of the said rules, in sub-rule (1), the words, brackets, letter, sign and figure "clause (c) of sub-section (1) of" shall be deleted.

19. Amendment of rule 132.—In rule 132 of the said rules, in sub-rule (2),—

- (a) in clause (a), after the word "Registrar" but before the words "or Joint Registrar" the words "or Additional Registrar" shall be inserted.
(b) in clause (b), after the word "Registrar" but before the words "or Joint Registrar" the words "or Additional Registrar" shall be inserted.

20. Amendment in Appendix.—In APPENDIX 'A' appended to the said rules,—

(I) for rule 3 of the rules of election to the committee, the following shall be substituted, namely:—

"(1) In the case of every Primary Society, the Registration Officer shall intimate every member of the society through authorized person or through registered notice of his being eligible or ineligible to vote as per Rules/bye-laws. The member shall be at liberty to inspect the tentative voter list maintained for the purpose of registration of voters. In addition, notice shall be pasted at conspicuous places such as Head office and Branch office(s) of the society, office of the Registrar, Inspector Co-operative Societies concerned, Panchayat Ghar, Mahila Mandal Ghar or village temple etc. Such notice may be published in two dailies (one Hindi & one English) and such notice/intimation shall be given one month prior to the date fixed for finalization of voter list.

(2) In the case of every Secondary/Federal society, the Registration Officer shall intimate all members the last date by which name of persons authorized to vote on behalf of the member societies are to be intimated to the Registration

Officer concerned such intimation shall be given one month prior to the date fixed for finalization of voter's list. In addition, such notice may be published in two dailies (one Hindi and one English). In case a society does not send the name of its nominee before the said date as indicated above, the said society shall have no right to vote in the election.

(3) Following procedure shall be carried out in all kind of Societies after registration of voters:—

- (a) A list of voters indicating the name of the member society, authorized nominee and other voters shall be published at the office of the society by the Registration Officer and objection thereon shall be heard by him.
- (b) Three clear days shall be given for hearing objections. The decision of the Registration Officer thereto shall be final.
- (c) The official list shall thereafter be published at the office of the society not later than one month prior to the date of poll by the Registration Officer."

(II) in rule 4 of the rules of election to the committee, after sub-rule (2), the following proviso shall be added, namely:—

"provided that the zones shall be constituted in such a way that members from contiguous areas are included in a particular zone and where such contiguity is not discernible, the zones shall be constituted as per Sr. No. of the members in the membership register".

(III) in sub-rule (8) of rule 4 of the rules of election to the committee shall be deleted.

(IV) After rule 7 of the rules of election to the committee, the following shall be added, namely:—

"8. *Exemption.*—The Registrar may by general or special order grant exemption from the provisions of the rule 3 and 4 to any co-operative society or any class of co-operative societies."

By order,

Sd/-

Principal Secretary.

CO-OPERATION DEPARTMENT

NOTIFICATION

Shimla-2, the 26th July, 2006

No. Co-op.A(3)1/99-L.—In exercise of powers conferred under Section 100 of the H. P. Co-operative Societies Act, 1968 (Act No. 3 of 1969), the Governor of Himachal Pradesh is pleased to exempt such Co-operative Societies from the provision of rule 38 (4) of the H. P. Co-operative Societies Rules, 1971 amended *vide* notification of even number dated 25-7-2006, in which President/Vice President have been elected from amongst nominated members of the Managing Committee till the completion of present tenure of such Managing Committees.

By order,

Sd/-

Principal Secretary (Co-op.).

